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NAVAL CRIMINAL INVESTIGATIVE SERVICES
RECORDS MANAGEMENT DIVISION
LAW ENFORCEMENT RECORDS

Package ID #: 0006081-000439

Name: (b)(6), (b)(7)(C)

AKA:

Social Security Number: (b)(6), (b)(7)(C)

Context: Victim

Date of Birth: (b)(6), (b)(7)(C)

State of Birth: (b)(6), (b)(7)(C)

Country of Birth: US - United States of America

Case Number: 07OCT08SWXP01078FNA

Dossier:

DCII INDEX CODE:
K = 50 yearsRECORD SERIES #:
5580/4a(1)(b)Date Closed:
11/23/2008**RECORD SERIES (FILE PLAN)**

ty Svcs - Law Enforcement - NCIS Criminal Investigative - Controlled Death, Sex Investigations, & Case Files (Created on or after 1 January 1988)

Criminal Investigative Reports

Comments:

☐ No Polygraph Examination Conducted☐ No Sexual Offender Registry Completed☐ No Finger Prints Submitted to Code 24B3☐ No Final Disposition Report to FBI

CIS - _____ / _____

☐ Closed Status ☐ Dup Title ☐ Dup CCN

Disclosure/Accountability Statement: If this investigation is disseminated outside NCIS, complete NCIS Form 009/10-80, and ensure it is retained in the case file.



RUR000JFP5

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(b)(6), (b)(7)(C)

certify that this document has been reviewed and is complete.

Typed Name of SSA

11 DEC 08

DATE

(b)(6), (b)(7)(C)

Unclassified when separated from attachment unless otherwise indicated.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (SUPP)

05OCT16

RAPE (II)

CONTROL: 07OCT08-SWXP-0107-8FNA

(b)(6), (b)(7)(C)

COMMAND/USS CHANCELLORSVILLE (CG-62)/24151

MADE AT/0023/CRIMINAL INVESTIGATIONS DIRECTORATE
SUPERVISORY SPECIAL AGENT

(b)(6), (b)(7)(C)

REFERENCE(S)

- (A) NCISRA SAN DIEGO CASE FILE (b)(6), (b)(7)(C) PO3
USN
(B) NCISRU USS RONALD REAGAN (CVN-76) ROI (CLOSED)/23NOV08

EXHIBIT(S)

- (5) REPORT OF RESULTS OF TRIAL BY GENERAL COURT-MARTIAL ICO SH2
(b)(6), (b)(7)(C) 14FEB14

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (Sodomy) of the Uniform Code of Military Justice (UCMJ).

2. Subsequent to the closure of this investigation, SH3 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, was identified as the subject of Reference (A). During the course of that investigation, (b)(6), (b)(7)(C) was tried by General Court Martial and charged with two specifications of violation of UCMJ, Article 125, to include one specification regarding the 2008 sodomy of (b)(6), (b)(7)(C) in San Diego, CA. (b)(6), (b)(7)(C) was found not guilty of the specification regarding the sodomy of (b)(6), (b)(7)(C). Exhibit (5) contains the report of results of trial.

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Pages 3 through 5 redacted for the following reasons:

Exhibit (5) is referred to: Office of the Judge Advocate General, Criminal Law Division, 1254 Charles Morris St SE, Washington Navy Yard, DC 20374

//23/ND//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

23NOV08

RAPE (II)

CONTROL: 07OCT08-SWXP-0107-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS CHANCELLORSVILLE (CG-62)/24151

MADE AT/SWXP/USS RONALD REAGAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRU USS RONALD REAGAN (CVN-76) ROI (INTERIM)/09Nov08 (Contains Exhibits 1-4)

EXECUTIVE SUMMARY

1. On 07Oct08, (b)(6), (b)(7)(C) reported to Reporting Agent (RA) that he had been sexually assaulted by SH3 (b)(6), (b)(7)(C) USN, USS CHANCELLORSVILLE (CG-62) in late April/early May08. (b)(6), (b)(7)(C) stated that one evening, while at a mutual friend's house, he and (b)(6), (b)(7)(C) drank copious amounts of alcohol and played video games. (b)(6), (b)(7)(C) reported that (b)(6), (b)(7)(C) tried to kiss (b)(6), (b)(7)(C) several times, but (b)(6), (b)(7)(C) resisted. (b)(6), (b)(7)(C) stated that he was too drunk to drive, so he stayed at the residence. (b)(6), (b)(7)(C) stated that he passed out, but was startled awake sometime later to find (b)(6), (b)(7)(C) penetrating (b)(6), (b)(7)(C) anus with his penis. (b)(6), (b)(7)(C) reportedly kicked (b)(6), (b)(7)(C) off of him, and fled the residence. On 24Oct08, (b)(6), (b)(7)(C) was interviewed regarding the allegation, and stated that he had a consensual sexual encounter with (b)(6), (b)(7)(C) but denied sexually assaulting him. On 21Nov08, CAPT (b)(6), (b)(7)(C) Commanding Officer, USS CHANCELLORSVILLE (CG-62), notified Reporting Agent (RA) that he did not wish to forward (b)(6), (b)(7)(C) for prosecution in the alleged rape of (b)(6), (b)(7)(C) due to a lack of corroborating evidence. This investigation is now closed.

NARRATIVE

1. This investigation pertains to suspected violations of Article 120 (Rape), and Article 125 (Sodomy), under the Uniform Code of Military Justice (UCMJ).

2. On 04Nov08, Reporting Agent (RA) briefed CAPT (b)(6), (b)(7)(C) Commanding Officer, USS CHANCELLORSVILLE (CG-62), and CDR (b)(6), (b)(7)(C) Staff Judge Advocate, Commander Carrier Strike Group Seven, on the status of this investigation and to gather prosecutorial determination. CAPT (b)(6), (b)(7)(C) indicated that he did not believe there was enough evidence to prosecute (b)(6), (b)(7)(C) but wanted to consult with CDR (b)(6), (b)(7)(C) to be sure. RA subsequently briefed (b)(6), (b)(7)(C) on 13Nov08, and notified him that the NCIS investigation was complete, and had been forwarded to the command for prosecutorial consideration.

3. On 21Nov08, CAPT (b)(6), (b)(7)(C) indicated that he did not wish to prosecute

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SUBJ: (b)(6), (b)(7)(C) SN USN

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(b)(6), (b)(7)(C) for allegedly raping (b)(6), (b)(7)(C) due to a lack of corroborating information of (b)(6), (b)(7)(C) statement. (b)(6), (b)(7)(C) was subsequently transferred to the Transient Personnel Unit (TPU) onboard Naval Base San Diego. This investigation is now closed.

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(b)(6),
(b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

09NOV08

RAPE (II)

CONTROL: 07OCT08-SWXP-0107-8FNA

(b)(6), (b)(7)(C)

COMMAND/USS CHANCELLORSVILLE (CG-62)/24151

MADE AT/SWXP/USS RONALD REAGAN (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) Sworn Statement of (b)(6), (b)(7)(C) 07Oct08... (Copy Command)
- (2) IA: Review of SH3 (b)(6), (b)(7)(C) Enlisted Service Record/24Oct08... (Copy Command)
- (3) IA: Interview with ENS (b)(6), (b)(7)(C) 40Oct08... (Copy Command)
- (4) IA: Interview with SH3 (b)(6), (b)(7)(C) 40Oct08... (Copy Command)

EXECUTIVE SUMMARY

1. On 07Oct08, (b)(6), (b)(7)(C) reported to Reporting Agent (RA) that he had been sexually assaulted by SH3 (b)(6), (b)(7)(C) USN, USS CHANCELLORSVILLE (CG-62) in late April/early May08. (b)(6), (b)(7)(C) stated that one evening, while at a mutual friend's house, he and (b)(6), (b)(7)(C) drank copious amounts of alcohol and played video games. (b)(6), (b)(7)(C) reported that (b)(6), (b)(7)(C) tried to kiss (b)(6), (b)(7)(C) several times, but (b)(6), (b)(7)(C) resisted. (b)(6), (b)(7)(C) stated that he was too drunk to drive, so he stayed at the residence. (b)(6), (b)(7)(C) stated that he passed out, but was startled awake sometime later to find (b)(6), (b)(7)(C) penetrating (b)(6), (b)(7)(C) anus with his penis. (b)(6), (b)(7)(C) reportedly kicked (b)(6), (b)(7)(C) off of him, and fled the residence. On 24Oct08, (b)(6), (b)(7)(C) was interviewed regarding the allegation, and stated that he had a consensual sexual encounter with (b)(6), (b)(7)(C) but denied sexually assaulting him.

NARRATIVE

1. This investigation pertains to suspected violations of Article 120 (Rape), and Article 125 (Sodomy), under the Uniform Code of Military Justice (UCMJ).

2. On 07Oct08, (b)(6), (b)(7)(C) reported to Reporting Agent (RA) that he had been sexually assaulted by SH3 (b)(6), (b)(7)(C) USN, USS CHANCELLORSVILLE (CG-62) prior to the deployment of the USS CHANCELLORSVILLE (CG-62) on 19May08. (b)(6), (b)(7)(C) provided a sworn statement, indicating that sometime in Apr/May08, he and (b)(6), (b)(7)(C) were at the home of FC2 (b)(6), (b)(7)(C) USN, drinking alcohol and playing video games, but no one else was at the residence. (b)(6), (b)(7)(C) stated that while the two were drinking and playing games, (b)(6), (b)(7)(C) tried to kiss (b)(6), (b)(7)(C) several times, and (b)(6), (b)(7)(C) refused (b)(6), (b)(7)(C) advances. (b)(6), (b)(7)(C) stated that he had recently learned that (b)(6), (b)(7)(C) is homosexual. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) advances made him uncomfortable and he

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SUBJ: (b)(6), (b)(7)(C) SN USN

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wanted to leave the residence, but he was too intoxicated to drive.

(b)(6), (b)(7)(C) stated that he fell asleep on the couch, and when he woke up, (b)(6), (b)(7)(C) was penetrating (b)(6), (b)(7)(C) anus with his penis. (b)(6), (b)(7)(C) stated that he has not told anyone about the incident until now, and there were no witnesses. Exhibit (1) pertains.

3. On 24Oct08, RA responded to the USS CHANCELLORSVILLE (CG-62) to interview (b)(6), (b)(7)(C). Prior to interviewing him, RA reviewed his Enlisted Service Record, but did not locate any information of evidentiary interest. Exhibit (2) pertains.

4. On 24Oct08, RA met with MAC (b)(6), (b)(7)(C) Command Investigator, USS CHANCELLORSVILLE (CG-62), and CAPT (b)(6), (b)(7)(C) Commanding Officer, USS CHANCELLORSVILLE (CG-62). CAPT (b)(6), (b)(7)(C) provided RA with details regarding (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and CAPT (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) sailor onboard the USS CHANCELLORSVILLE (CG-62). CAPT (b)(6), (b)(7)(C) explained that as a result, (b)(6), (b)(7)(C)

reported to ENS (b)(6), (b)(7)(C) USN, Legal Officer, USS CHANCELLORSVILLE (CG-62), that he had been the victim of sexual assault, and that trauma from the event was causing him problems on the ship. As a result, CAPT (b)(6), (b)(7)(C) elected to hold off on taking (b)(6), (b)(7)(C) to Captain's Mast until the sexual assault allegations could be straightened out.

5. On 24Oct08, RA interviewed (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated that in Sep08, she was meeting with (b)(6), (b)(7)(C) and she asked (b)(6), (b)(7)(C) if there was anything wrong. (b)(6), (b)(7)(C) explained that (b)(6), (b)(7)(C) had some mysterious injuries that would appear, such as a scrape on his forehead, and (b)(6), (b)(7)(C) would often have two or more different explanations for his injuries. (b)(6), (b)(7)(C) stated that during this meeting, (b)(6), (b)(7)(C) did not indicate there was anything wrong, however, the following day, (b)(6), (b)(7)(C) approached (b)(6), (b)(7)(C) and told her he needed to talk to her. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) reported that he had been sexually assaulted by a male onboard the USS CHANCELLORSVILLE (CG-62), and that he had been having flashbacks and dreams ever since the assault, which were affecting him at work. (b)(6), (b)(7)(C) did not request any additional details, but contacted LT (b)(6), (b)(7)(C) Sexual Assault Victim Intervention (SAVI) Advocate onboard the USS CHANCELLORSVILLE (CG-62). Exhibit (3) pertains.

6. On 24Oct08, RA interviewed (b)(6), (b)(7)(C) regarding the allegations that he sexually assaulted (b)(6), (b)(7)(C). Subsequent to waiving his Article 31(b) rights for sexual assault and sodomy, (b)(6), (b)(7)(C) reluctantly admitted that he had a consensual sexual encounter with

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SUBJ: (b)(6), (b)(7)(C) SN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

(b)(6), (b)(7)(C) (b)(6), (b)(7)(C) declined to provide a sworn statement regarding the incident. Exhibit (4) pertains.

7. On 25Oct08, RA briefed CAPT (b)(6), (b)(7)(C) on the outcome of the interviews. CAPT (b)(6), (b)(7)(C) indicated that he did not believe there was enough corroboration to prosecute (b)(6), (b)(7)(C) for sexual assault. This investigation is pending additional leads deemed appropriate by the case agent and prosecutorial determination.

8. Due to a change in Special Agent Afloat, this investigation will be transferred to Special Agent (b)(6), (b)(7)(C) NCIS.

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(b)(6),
(b)(7)(C)

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STATEMENT

(b)(6),
(b)(7)(C)

Place : USS RONALD REAGAN

Date : October 7, 2008

(b)(6),
(b)(7)(C)

I, SN (b)(6), (b)(7)(C) make the following free and voluntary statement to Special Agent (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promise extended. I fully understand that this statement is given concerning my knowledge of sexual assault (b)(6), (b)(7)(C)

(b)(6),
(b)(7)(C)

For identification purposes, I am a (b)(6), (b)(7)(C) male, (b)(6), (b)(7)(C) in height, weighing approximately (b)(6), (b)(7)(C) pounds. My social security number is (b)(6), (b)(7)(C), and my date of birth is (b)(6), (b)(7)(C). I am currently assigned to the USS CHANCELLORSVILLE (CG-62), and have been there since 17Feb08

A week or two after I came onboard the ship, I met SH3

I met him through FC2

(b)(6), (b)(7)(C) who was an acquaintance of mine who used to be on the CHANCELLORSVILLE. I met him on the smoke deck. We got to be friends, and we started hanging out outside of the ship sometimes. We went out, got things to eat, went to Hooters, went to the skate park, out drinking, went to clubs, etc. We had a lot in common, or at least I thought we did

(b)(6), (b)(7)(C)

Sometime in late February or early March, I was invited over to FC2 (b)(6), (b)(7)(C) house. She lived with another sailor from the ship, who I think is an FC2, and his name is (b)(6), (b)(7)(C). He is still onboard the Chancellorsville. They told me I could go over there any time I wanted to hang out and/or drink. At that time, (b)(6), (b)(7)(C) lived together along with a few other people, but I don't remember what their names are. They lived with two other females, one who used to be a sailor named (b)(6), (b)(7)(C), and one who still is a sailor named (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) teaches classes at a base in the San Diego area. (b)(6), (b)(7)(C) goes to college and works at a restaurant or coffee shop, but I don't know which one.

The place where they lived is in El Cajon- it was a 4 bedroom house. Their place was called "The House", and everyone would go there to drink, including people underage. It was a safe place to drink because it was ok to crash there, and that's where I went to drink all the time

Sometime around the end of April/beginning of May08, I had plans with (b)(6), (b)(7)(C) and a bunch of other people to go to a movie and a club.

I had a really bad day that day, I think it was because I was getting assigned a bunch of bullshit work on the ship, and I was irritated about that, and I had to stay late at work. So after work, I went over to the house to meet up with them, and I just started drinking- it started with a beer, and then another beer, and then hard liquor, and then when they were ready to go out, I said No, and stayed behind. They left in order to go to a 2130 movie I think, and then were going to go clubbing after that.

(b)(6), (b)(7)(C) decided to stay behind too. He was drinking as well, but I don't know how much. I don't know how many drinks I consumed, but it was a lot. I drank beer and then did Jager bombs, vodka, and drank Everclear (straight). I think (b)(6), (b)(7)(C) had a couple of shots of Everclear as well. On a 1-10 scale of being drunk, I was a 10. I don't know how drunk he was.

Continuation of voluntary sworn statement of

SN (b)(6), (b)(7)(C)

on October 7, 2008

(b)(6), (b)(7)(C) I was playing the video game Rock Band in the living room of the house, and (b)(6), (b)(7)(C) was sitting there talking on his phone for a while, got on the computer, and then he started playing Rock Band as well. I played some other video game as well- and we were just hanging out and chilling (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) We were sitting on the same couch- it is an L shaped couch, and I like to sit in the corner of the L, and just sit and slouch. He was sitting on the left side of the L (to my left) on the couch. He was sitting away from me the whole time, it wasn't like he was sitting close (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Anyway, when I started playing that other video game, it is a one player game, and he was just sitting there watching me. He got up to make himself another drink, and when he came back, he sat down closer to me. After about 5 minutes or so, he tried coming on to me- he leaned over to me and he tried to put his lips close to mine, and I pushed him off of me and said, "You're drunk, leave me alone, you know I'm not that way". I had recently found out that he was homosexual by some mutual friends who asked me why I was always hanging out with him. The people who said this to me were in the OD01 Division of the Deck Department, which is where I worked. I don't remember who said it to me, but it might have been BMSN (b)(6), (b)(7)(C) or SN (b)(6), (b)(7)(C) who said that to me. I sort of suspected that he might be fruity, but I have some friends at home who act that way, and they are more metrosexual- they dress funny but they date women... so I thought he might be metrosexual. He was good with the ladies- he always hung out with them. Where I come from, we don't really like homosexuals, but when they told me he might be gay I decided that I should give him a chance. I still held a little bit of a grudge and didn't want to hang out with him as much, but I decided not to be mean to him (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) After he tried to kiss me the first time, about 5-10 minutes later, he tried to kiss me again. He leaned over to me and tried to kiss me and I pushed him off. The third time, he actually stood up and tried to put his body on top of me. I threw him across to the other side of the couch so he would get off of me. He is smaller than me, so I didn't have any problem getting him off of me. Each time he tried, he was a little more aggressive. I yelled at him too but I don't remember all that I said to him. After each time I pushed him off of me, he just looked at me like, "What the fuck?" and would just sit there and look at me. After the third time, I decided I need to wait for him to pass out before I went to sleep. I wanted to leave, but I knew that I couldn't drive because I was so drunk (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I just kept playing games by myself and waited for him to pass out. We didn't talk- he just sat there watching me play. He eventually started to fall asleep and then he passed out on his end of the couch. Once he was asleep, I turned the t.v. on instead of playing games, downed my drink and fell asleep in my little corner (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Sometime later, I woke up because I felt something uncomfortable. I woke up in a half dazed state, but my eyes were still closed, and in that state I realized that my anus was being penetrated. I opened my eyes and I saw (b)(6), (b)(7)(C) doing a humping motion towards me. My shorts were pulled down to the ground, and I don't usually wear underpants, so I didn't have any underpants on. (b)(6), (b)(7)(C) was facing me and inbetween my legs doing that humping motion. My body was scooped down so that my back was flat on the couch- that's how I sit/lay when I'm playing video games, and that's how I fell asleep. My legs were spread open, but I don't remember if my feet were on the ground. The t.v. was on, and the kitchen light was on, so the lighting was dim, but I could see it was him. Once I realized that he was penetrating my anus with his penis, it fully woke me up and I put my left leg on his chest (b)(6), (b)(7)(C)

Continuation of voluntary sworn statement of

SN (b)(6), (b)(7)(C)
on October 7, 2008

(b)(6), (b)(7)(C) and I kicked him/shoved him off of me. As a result, I remember the coffee table was moved, and other things were moved due to the force of kicking him/shoving him (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I remember yelling and screaming at him, but I don't remember what I said. Once he was off of me, I got up and pulled my shorts up and he was laying on his back on the floor. He hit the coffee table on the way down. His pants were down- I know that much (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I went out to my car and I left. I was still really drunk, and I drove back to base. I don't know what time it was, but I don't think anyone was back from clubbing yet- (b)(6), (b)(7)(C) truck wasn't there when I left. I don't remember hitting anything on the drive back, but I know I hit something, because my body kit was messed up. I got woken up by the base police sleeping in the driver's seat in my car, in some temporary parking for people who don't have their decals at one of the entrances to Naval Base San Diego. They woke me up. They told me that I couldn't sleep there, asked me if I was ok, and I told them I was fine. They told me I could leave my car there and walk on base, or drive on. I drove on, parked right in front of pier 8 where the ship was, and slept in my car. I didn't want to go on to the ship (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I don't know what time it was, but it was still dark out. Since the incident, he tried talking to me several times, but I just ignore him. There have been times where he will just stand and look at me, won't leave me alone, but I just ignore him. One time I actually yelled at him, and he started to leave me alone. Every time he is around me I want to hurt him. I haven't hurt him because I don't want to lose my career. I don't want to kill him, I just want to make him suffer for what he did to me (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I have never had anything like this happen to me before. My uncle is homosexual, but he is the only one I know. Other than that, I used to chase them down and beat them up and harass them when I was younger. I have NEVER had any kind of consensual homosexual experience with anyone (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Right after this happened, I had some pain around my anus, and especially when I went to the head, I would feel the soreness. I don't recall bleeding from it. At some point, my stools got looser- they don't harden up like they used to and I have a white anal discharge that sometimes it comes out with the stools, sometimes it comes out on it's own, sometimes when I fart it just comes out and gets all over my shorts or pants (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I didn't report it right away because I felt weak, ashamed of myself, overpowered, and didn't want anyone to know. I didn't want people to harass me if they found out. I felt like it should never have happened- I'm too smart. I have been degrading myself since (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) The reason I decided to come forward, is that it is really affecting me. I am having trouble doing my job, and I'm exploding on people all the time. I'm having trouble not fucking killing him right now, and I don't want to lose my life and my career. I can't work anywhere near him anymore. I just want to kill him. I can't be around him. I know people are going to figure out what happened- it's just a matter of time. It's a small ship, and they know that I came over to the Reagan today, and they are going to give me shit when I get back. They are going to ask me question after question. I would rather no one knows- I would rather move commands rather than have him move commands (b)(6), (b)(7)(C)

Continuation of voluntary sworn statement of

SN (b)(6), (b)(7)(C)

on October 7, 2008

(b)(6),
(b)(7)(C)

his statement, consisting of this page and 3 other page(s) was typed for me by Special Agent
(b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I
have been given the opportunity to make any changes or corrections I desire to make and have placed
my initials over the changes or corrections. This statement is the truth to the best of my knowledge
and belief (b)(6), (b)(7)(C)

Signature

(b)(6), (b)(7)(C)

Sworn to and subscribed before me this 7th day of October in the year 2008 at

1249

(b)(6), (b)(7)(C)

Witnessed: _____

AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

//23/ND//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24OCT08

CONTROL: 07OCT08-SWXP-0107-8FNA

(b)(6), (b)(7)(C)

REVIEW OF SH3 (b)(6), (b)(7)(C) ENLISTED SERVICE RECORD

1. On 24Oct08, Reporting Agent (RA) reviewed SH3 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Enlisted Service Record (ESR), which was onboard the USS CHANCELLORSVILLE (CG-62). The ESR is only a skeleton copy, as the record books are retained in San Diego, CA, however, most pertinent information is in the skeleton copy.

2. Personal information:

Full name: (b)(6), (b)(7)(C)

Rate: SH3

DOB: (b)(6), (b)(7)(C)

POB:

SSN:

Security Clearance: None

Residence: (b)(6), (b)(7)(C)

Workplace: Supply Department, USS CHANCELLORSVILLE (CG-62)

Telephone number: (b)(6), (b)(7)(C)

Vehicle(s): 2004 Toyota Corolla Sport

Home of Record: (b)(6), (b)(7)(C)

Beneficiaries: (b)(6), (b)(7)(C)

(mother)- both at home address of record

Family and Friends (SF-86):

(b)(6), (b)(7)(C)

both

reside at home address of records

3. Experience:

Former duty Stations:

NACRUITRACOM: 31Aug04 - 31Oct04

TSC Great Lakes: 31Oct04 - 24Nov04

USS SHILOH (CG-68): 19Jan05 - 16Aug06 (Hull Swap)

USS CHANCELLORSVILLE (CG-62): 16Aug06 - present

Enlistment Location: San Jose, CA

Disciplinary Information: none

Enlistment Waivers: none

Secondary Language capabilities: None

4. (b)(6), (b)(7)(C) only received 2 fitness reports. He has been rated a 4.0 sailor, and received no counseling chits.

REPORTED BY: (b)(6), (b)(7)(C)

Special Agent

OFFICE: NCISRU USS RONALD REAGAN (CVN-76)

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(b)(6),
(b)(7)(C)

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//23/ND//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24OCT08

CONTROL: 07OCT08-SWXP-0107-8FNA

(b)(6), (b)(7)(C)

INTERVIEW WITH ENS (b)(6), (b)(7)(C)

1. On 24Oct08, Reporting Agent (RA) interviewed ENS (b)(6), (b)(7)(C) Legal Officer, USS CHANCELLORSVILLE (CG-62), regarding (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) further stated that after he was found Guilty at Captain's Mast, he was placed on restriction, and given a page 13 instruction that he would be retained in the U.S. Navy provided there were no additional disciplinary problems with him.

2. (b)(6), (b)(7)(C) stated that a short time later, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and the incident was reported to the chain of command. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) went to Executive Officer's Inquiry (XOI) (b)(6), (b)(7)(C) and the XO indicated (b)(6), (b)(7)(C) should go to Captain's Mast. (b)(6), (b)(7)(C) stated that she believe the Captain's intention was to find (b)(6), (b)(7)(C) Guilty at Mast and process him out of the Navy. Prior to (b)(6), (b)(7)(C) going to Captain's Mast for the second incident, (b)(6), (b)(7)(C) sat down with (b)(6), (b)(7)(C) because she was concerned about him. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) chain of command reported that he had been irritable and that he appeared to have a few "mysterious" injuries, such as an injured hand and a scrape on his forehead. The chain of command reported that (b)(6), (b)(7)(C) told differing stories regarding the origin of his injuries.

3. (b)(6), (b)(7)(C) stated that during this conversation with (b)(6), (b)(7)(C) he told her that he does not have a place to live, and that everything he owns is in his car that is in San Diego, CA. Additionally, (b)(6), (b)(7)(C) said his family had problems. (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) if there was anything else going on, and (b)(6), (b)(7)(C) said "No".

4. According to (b)(6), (b)(7)(C) the following day, (b)(6), (b)(7)(C) came to the bridge and asked to speak with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) reportedly told (b)(6), (b)(7)(C) that he lied the day before in stating that there was nothing else going on with him. Specifically, (b)(6), (b)(7)(C) stated that he was sexually assaulted several months prior by a male on the ship who was friends with his chain of command. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) did not tell her any additional details, nor did he tell her who sexually assaulted her, the time frame when this occurred, or any other details. (b)(6), (b)(7)(C) stated that the night before, he had a

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SUBJ: (b)(6), (b)(7)(C) SN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

dream about the incident, and that he felt he should tell her about it. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) was very embarrassed, but reluctantly agreed to speak with a Sexual Assault Victim Intervention (SAVI) Advocate. (b)(6), (b)(7)(C) further stated that (b)(6), (b)(7)(C) has a reputation on the ship for being a chronic liar, but she did not have any firsthand knowledge of him being a liar.

5. As a result of the sexual assault report, (b)(6), (b)(7)(C) was not taken to Captain's Mast, was provided with a SAVI Advocate, and was subsequently sent on TAD orders to the USS RONALD REAGAN (CVN-76) so he would not be near the person who allegedly sexually assaulted him.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRU USS RONALD REAGAN (CVN-76)

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INVESTIGATIVE ACTION

24OCT08

CONTROL: 07OCT08-SWXP-0107-8FNA

(b)(6), (b)(7)(C)

INTERVIEW WITH SH3 (b)(6), (b)(7)(C)

1. On 24Oct08, Reporting Agent (RA) interviewed SH3 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS CHANCELLORSVILLE (CG-62), regarding a report that (b)(6), (b)(7)(C) sexually assaulted and sodomized (b)(6), (b)(7)(C) in Apr/May08. Subsequent to waiving his Article 31(b) rights, (b)(6), (b)(7)(C) reluctantly admitted that he engaged in a consensual sexual encounter with (b)(6), (b)(7)(C) but adamantly denied any use of force. Enclosure (A) pertains.
2. (b)(6), (b)(7)(C) stated that he became friends with (b)(6), (b)(7)(C) several months prior, sometime after (b)(6), (b)(7)(C) reported the USS CHANCELLORSVILLE (CG-62), and before the deployment of the ship in May08. (b)(6), (b)(7)(C) stated that he met (b)(6), (b)(7)(C) in the "smoke pit" on the ship, and they became friends. Initially, (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) if he could "hang out" with (b)(6), (b)(7)(C) and his friends sometime, but (b)(6), (b)(7)(C) told him that he couldn't because (b)(6), (b)(7)(C) is under the age of 21, and (b)(6), (b)(7)(C) and his friends like to go out drinking sometimes. Additionally, (b)(6), (b)(7)(C) stated that he only spent time with (b)(6), (b)(7)(C) on two occasions outside of work, wherein they went to see the movie "21" on one occasion, and on another occasion, they went to Hooters with some other people from the ship. (b)(6), (b)(7)(C) stated that while they were outside of Hooters, (b)(6), (b)(7)(C) grabbed (b)(6), (b)(7)(C) camera out of his hand, and subsequently dropped the camera and it broke. (b)(6), (b)(7)(C) stated that after that, (b)(6), (b)(7)(C) said he would pay (b)(6), (b)(7)(C) for the camera, but he didn't pay him back until Aug08. (b)(6), (b)(7)(C) admitted that sometimes he went to FC2 (b)(6), (b)(7)(C) "party house" in El Cajon, CA, but he did not recall ever seeing (b)(6), (b)(7)(C) there, and did not take (b)(6), (b)(7)(C) there. (b)(6), (b)(7)(C) further stated that he was never alone at (b)(6), (b)(7)(C) house with (b)(6), (b)(7)(C).
3. RA explained to (b)(6), (b)(7)(C) that if he lied, he could be charged with violating Article 107 (False Official Statements) of the Uniform Code of Military Justice (UCMJ), at which point, (b)(6), (b)(7)(C) stated there was more to the story, but stated he was afraid of getting into trouble for having engaged in homosexual activity. Ultimately, (b)(6), (b)(7)(C) admitted that he took (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) house, where they would "hang out" sometimes. (b)(6), (b)(7)(C) stated that sometimes they drank a beer, but they did not get drunk at (b)(6), (b)(7)(C) house.
4. (b)(6), (b)(7)(C) stated that approximately 1 month prior to the ship leaving for deployment in May08, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) went to (b)(6), (b)(7)(C) house, but shortly after they got there, (b)(6), (b)(7)(C) left to pick up (b)(6), (b)(7)(C) aunt and mother (NFI) who were

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SUBJ: (b)(6), (b)(7)(C) /SN USN

at either Barona or Viejas Casino. (b)(6), (b)(7)(C) stated that he and (b)(6), (b)(7)(C) stayed behind, and no one else was in the home. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) started playing the game "Rock Band", and was standing in front of the television. (b)(6), (b)(7)(C) stated that he was sitting in the corner of an L-shaped sofa, with his knees bent and his feet on the sofa, and he was shivering because the window was open and it was cold. (b)(6), (b)(7)(C) stated that he watched (b)(6), (b)(7)(C) play for a while, and then at some point, (b)(6), (b)(7)(C) turned around and said to (b)(6), (b)(7)(C) "What's wrong?" (b)(6), (b)(7)(C) responded by stating, "Nothing, I'm just cold", at which point (b)(6), (b)(7)(C) walked over to (b)(6), (b)(7)(C) and started kissing him. (b)(6), (b)(7)(C) stated that he fell back onto the sofa, and (b)(6), (b)(7)(C) laid his body on top of (b)(6), (b)(7)(C) body while they kissed.

5. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) led (b)(6), (b)(7)(C) into the adjacent bedroom, where they had sex. RA asked (b)(6), (b)(7)(C) to clarify, and asked if he penetrated (b)(6), (b)(7)(C) or if (b)(6), (b)(7)(C) penetrated (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) clarified that he was penetrated by (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) further clarified that after (b)(6), (b)(7)(C) led him into the bedroom, (b)(6), (b)(7)(C) started taking his own clothes off. (b)(6), (b)(7)(C) then took (b)(6), (b)(7)(C) clothes off and laid down on his back on the bed. According to (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) said, "Come over" to (b)(6), (b)(7)(C) and then (b)(6), (b)(7)(C) joined (b)(6), (b)(7)(C) on the bed. (b)(6), (b)(7)(C) further stated that he then placed his mouth on (b)(6), (b)(7)(C) penis and performed oral sex on him for approximately 1 minute. (b)(6), (b)(7)(C) stated that he did not like the experience of giving (b)(6), (b)(7)(C) oral sex, which is why he only did it for one minute. (b)(6), (b)(7)(C) further stated that (b)(6), (b)(7)(C) then said, "Come over" again, and he positioned (b)(6), (b)(7)(C) on top of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) pushed his penis inside (b)(6), (b)(7)(C) anus without using a condom and without using any lubrication. (b)(6), (b)(7)(C) stated that the penetration hurt quite a bit, but he tried to ignore the pain. (b)(6), (b)(7)(C) further stated that he had an erection during the sexual encounter, and that it lasted approximately 5 minutes, at which point (b)(6), (b)(7)(C) ejaculated, and then told (b)(6), (b)(7)(C) he had to stop because the penetration was hurting too bad. (b)(6), (b)(7)(C) did not think that (b)(6), (b)(7)(C) ejaculated, but he wasn't sure. (b)(6), (b)(7)(C) stated that he and (b)(6), (b)(7)(C) were completely sober when the incident occurred, and denied having any alcohol to drink on the day of the incident. (b)(6), (b)(7)(C) added that after the sexual incident, (b)(6), (b)(7)(C) became "cold and distant" towards him.

6. (b)(6), (b)(7)(C) stated that after the ship left on deployment in May08, (b)(6), (b)(7)(C) the USS CHANCELLORSVILLE (CG-62), and (b)(6), (b)(7)(C) ended up being a witness against (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) clarified that in Aug08, after the ship left Malaysia, (b)(6), (b)(7)(C) finally offered to pay (b)(6), (b)(7)(C) for the camera (b)(6), (b)(7)(C) broke. (b)(6), (b)(7)(C) reportedly gave (b)(6), (b)(7)(C) approximately \$160.00 for a new camera. (b)(6), (b)(7)(C) stated that he thought it was strange that (b)(6), (b)(7)(C) suddenly had the money to pay (b)(6), (b)(7)(C) back, and when he questioned (b)(6), (b)(7)(C) about it, (b)(6), (b)(7)(C) stated that his mother sent him some money. (b)(6), (b)(7)(C)

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24OCT08

SUBJ: (b)(6), (b)(7)(C) SN USN

stated that even though (b)(6), (b)(7)(C) paid him the money back, he lost the money, and believes it may have been taken out of his coveralls while in laundry. Shortly thereafter, (b)(6), (b)(7)(C) was questioned by MAC (b)(6), (b)(7)(C) USN, USS CHANCELLORSVILLE (CG-62), regarding the \$160.00, and subsequent to the interview, (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) not to talk to (b)(6), (b)(7)(C) about the investigation. Due to this, he did not make any attempts to talk to (b)(6), (b)(7)(C) and stated that (b)(6), (b)(7)(C) still appeared distant. (b)(6), (b)(7)(C) stated that he did not spend any time with (b)(6), (b)(7)(C) in any of the ports or talk to him on the ship after the theft incident.

7. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) is known on the ship for being a pathological liar, and that throughout their friendship, (b)(6), (b)(7)(C) told him stories and facts about his life that didn't seem to be true and were inconsistent. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) claimed that he has a child he has to support and that his girlfriend doesn't care about him, his uncle is an Admiral or Commander, and that he has a close friend who is a Captain. Additionally (b)(6), (b)(7)(C) reportedly told several people that his family has a special clearance and they work with the Counterintelligence Agency (CIA). (b)(6), (b)(7)(C) added that he heard a rumor that (b)(6), (b)(7)(C) got into trouble for having some sort of relations with a female while at boot camp.

8. (b)(6), (b)(7)(C) denied having any additional sexual encounters with (b)(6), (b)(7)(C) and denied forcing himself upon (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated that he did not know why (b)(6), (b)(7)(C) would lie and accuse him of sexual assault, but stated that (b)(6), (b)(7)(C) has some mental problems, and he was in (b)(6), (b)(7)(C) so that may have contributed to (b)(6), (b)(7)(C) lying. (b)(6), (b)(7)(C) declined to provide a sworn statement.

ENCLOSURE(S)

(A) Military Suspect's Acknowledgement and Cleansing Waiver of Rights/24Oct08

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRU USS RONALD REAGAN (CVN-76)

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: USS CHANCELLORSVILLE

Date : October 24, 2008

(b)(6),
(b)(7)(C)

I, (b)(6), (b)(7)(C) have been advised by Special Agent (b)(6), (b)(7)(C)
in suspected of Article 120, Rape, Sodom (b)(6), (b)(7)(C)

also been advised that:

- (1) Any prior illegal admissions or other improperly obtained evidence which incriminated me be used against me in a trial by court-martial;
- (2) I have the right to remain silent and make no statement at all;
- (3) Any statement I do make can be used against me in a trial by court-martial or other judicial administrative proceeding;
- (4) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (5) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (6) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature

Date &

Witness

//23/ND//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (OPEN)

08OCT08

RAPE (II)

CONTROL: 07OCT08-SWXP-0107-8FNA

(b)(6), (b)(7)(C)

COMMAND/USS CHANCELLORSVILLE (CG-62)/24151

MADE AT/SWXP/USS RONALD REAGAN (b)(6), (b)(7)(C) SPECIAL AGENT

1. This investigation pertains to suspected violations of Article 120 (Rape), and Article 125 (Sodomy), under the Uniform Code of Military Justice (UCMJ).

2. On 07Oct08, (b)(6), (b)(7)(C) reported to Reporting Agent (RA) that he had been sexually assaulted by SH3 (b)(6), (b)(7)(C) USN, USS CHANCELLORSVILLE (CG-62) in late April/early May08. (b)(6), (b)(7)(C) stated that one evening, while at a mutual friend's house, he and (b)(6), (b)(7)(C) drank copious amounts of alcohol and played video games. (b)(6), (b)(7)(C) reported that (b)(6), (b)(7)(C) tried to kiss (b)(6), (b)(7)(C) several times, but (b)(6), (b)(7)(C) resisted. (b)(6), (b)(7)(C) stated that he was too drunk to drive, so he stayed at the residence. (b)(6), (b)(7)(C) stated that he passed out, but was startled awake sometime later to find (b)(6), (b)(7)(C) penetrating (b)(6), (b)(7)(C) anus with his penis. (b)(6), (b)(7)(C) reportedly kicked (b)(6), (b)(7)(C) off of him, and fled the residence. Records queries for (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were initiated on 08Oct08.

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